

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE BENNETT,

Plaintiff,

CIVIL ACTION NO. 13-10238

DISTRICT JUDGE GERALD E. ROSEN

v.

MAGISTRATE JUDGE MARK A. RANDON

DONALD TRAMMELL,

Defendants.

**ORDER GRANTING DEFENDANT'S
MOTIONS FOR A PROTECTIVE ORDER**

This matter is before the Court on two motions: (1) Defendant's motion for protective order staying further discovery until the threat of criminal prosecution has passed (Dkt. No. 12); and (2) Defendant's motion for protective order regarding his *Garrity* statement (Dkt. No. 13). Plaintiff responded to both motions and essentially agrees to the relief requested (Dkt. Nos. 14, 15).

After reviewing the papers and otherwise being fully advised, the Court **GRANTS** Defendant's motions. All dates outlined in the Court's March 27, 2013 scheduling order are **STAYED** until the Michigan State Police ("MSP") completes its investigation. In addition: (1) the Michigan Department of Corrections ("MDOC") is prohibited from disclosing Defendant's *Garrity* statement; and (2) Defendant may not be questioned about his *Garrity* statement.¹

¹Defendant gave a statement about Plaintiff's allegations to an MDOC Internal Affairs investigator under *Garrity v. State of New Jersey*, 385 U.S. 493 (1967), which allows an individual to answer questions without the threat of self-incriminating information to be used against him in a criminal proceeding.

If either party becomes aware that the MSP has completed its investigation and *is not* recommending prosecution, he must immediately request that the stay be lifted. Plaintiff may also request the disclosure of Defendant's *Garrity* statement.

If either party becomes aware that the MSP has completed its investigation and *is* recommending prosecution, he must immediately notify the Court. If Defendant has not been prosecuted within 30 days after the MSP indicated that it will recommend prosecution, Plaintiff may request that the stay be lifted.

The Court will enter a separate order scheduling a status conference in 60 days to determine the status of the MSP prosecution. This status conference may be cancelled if the Court hears from either party before the scheduled date.

IT IS ORDERED.

s/Mark A. Randon
MARK A. RANDON
UNITED STATES MAGISTRATE JUDGE

Dated: May 15, 2013

Certificate of Service

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, May 15, 2013, by electronic and/or ordinary mail.

s/Carol Pinegar Acting for Eddrey Butts
Case Manager for Magistrate Judge Randon